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10/518,403	12/17/2004	Frederic Milliot	Q85026	9974
23373	7590	11/07/2008	EXAMINER	
SUGHRUE MION, PLLC			VU, MICHAEL T	
2100 PENNSYLVANIA AVENUE, N.W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20037			2617	
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			11/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/518,403	MILLIOT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	MICHAEL T. VU	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 11 August 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-26 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-26 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Objections***

1. Claims 2-8, 10-20 are objected to because of the following informalities:

For example: Claim 2 “**A** method according to claim 1, wherein data .....etc” All of the Dependent claims should change to “**the** method according to claim 1, wherein data.....etc”.       **\*\* Appropriate correction is required \*\*.**

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-26 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-10, 12-19, 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett (US 6,167,280) in view of Byrnes (US 2002/0002705).

**Regarding claims 1 and 9,** Barrett teaches a method of supplying configuration data to a mobile telephony device equipped with AT command management means

(Col. 1, lines 10-63), the method comprising: (i) setting up a connection between said device (Col. 1, line 50-63, and Col. 2, lines 55-67) and a terminal containing service configuration data (Col. 3, lines 1-45) and

**But Barrett does not clearly teach** (ii) after the setting up the connection exchanging service configuration data between the terminal and the device by means of selected AT commands that the AT command management means of said device are able to interpret.

However, Byrnes specifically teaches after the setting up the connection exchanging service configuration data between the terminal [0001-0006, 0012-0021] and the device by means of selected AT commands that the AT command management means of said device are able to interpret [0001-0006, 0012-0021].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrett, with Byrnes' teaching, in order to provide the mobile devices to access interactive online services and applications that suitable for updating user profiles on portable computerized devices such as mobile phone or PDA for keeping the cost and weight of the mobile devices down.

**Regarding claim 2**, Barrett and Byrnes teach a method according to claim 1, wherein data representative of a provisioning protocol is extracted from the device by means of selected AT commands and then sent to the terminal so that said terminal may exchange said configuration data with said device in accordance with said provisioning protocol (Col. 1, lines 28-63, and Col. 4, lines 14-31) of Barrett.

**Regarding claim 3**, Barrett and Byrnes teach a method according to claim 1, wherein said AT command management means extract said configuration data from the AT commands received from the terminal in order to supply it to application means requiring mobile Internet resources (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50) of Barrett.

**Regarding claim 5**, Barrett and Byrnes teach a method according to claim 3, wherein said configuration data is supplied to a provisioning agent in said application means (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50) of Barrett.

**Regarding claim 6**, Barrett and Byrnes teach a method according to claim 1, wherein at least certain of the configuration data stored in a memory of the device is extracted in order to send it to said terminal and in that, on receipt of said data (Col. 3, lines 1-61), the device is sent AT commands for modifying certain data (Col. 3, lines 1-61), after which the modified data is stored in said memory (Col. 3, lines 1-61) of Barrett. (Note: the memory stored information and/or data such as user profiles (i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services).

**Regarding claim 7**, the combination of Barrett and Byrnes teach a method according to claim 6, wherein at least certain of the configuration data stored in the memory is extracted in order to send it to said terminal and in that, on receipt of said data (Col. 3, lines 1-61), the device is sent AT commands representative of new configuration data (Col. 3, lines 1-61), after which the new data is stored in said memory (Col. 3, lines 1-61) of Barrett. (Note: the memory stored information and/or data such

as user profiles (i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol).

**Regarding claim 8**, the combination of Barrett and Byrnes teach a method according to claim 6, wherein at least certain of the configuration data stored in the memory is extracted in order to send it to said terminal and in that, on receipt of said data (Col. 3, lines 1-61), the device is sent AT commands for deleting certain data from said memory (Col. 3, lines 47-61) of Barrett.

**Regarding claim 9**, Barrett and Byrnes teach a mobile telephony device comprising AT command management means (Col. 1, lines 10-63) adapted to set up a connection (Col. 1, line 50-63, and Col. 2, lines 55-67) with a terminal containing service configuration data in order to exchange service configuration data (Col. 3, lines 1-45) with said terminal by means of selected AT commands that its AT command management means are able to interpret (Col. 1, lines 28-63, Col. 4, lines 14-31, and Col. 5, lines 12-50) all of Barrett.

**Regarding claim 10**, Barrett and Byrnes teach a device according to claim 9, wherein it comprises application means requiring mobile Internet resources connected to said AT command management means and adapted to receive said configuration data (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50) of Barrett.

**Regarding claim 12**, Barrett and Byrnes teach a device according to claim 10, wherein said application means comprise a provisioning agent adapted to manage the received configuration data and the configuration data to be sent to said terminal (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50) of Barrett.

**Regarding claim 13**, Barrett and Byrnes teach a device according to claim 9, characterized in that it comprises a memory adapted to store said received data (Col. 3, lines 47-61) of Barrett.

**Regarding claim 14**, Barrett and Byrnes teach a data processing terminal (Figure #1, Col. 1, lines 28-63) comprising a memory for storing service configuration data (Col. 3, line 62 through Col. 4, lines 31), and provisioning means adapted to set up a connection with a mobile telephony device according to claim 9 (See limitations included in claim 9) and to exchange service configuration data with said device by means of selected AT commands which the AT command management means of said device are able to interpret (Col. 1, lines 28-63, Col. 4, lines 14-31, and Col. 5, lines 12-50) all of Barrett.

**Regarding claim 15**, the combination of Barrett and Byrnes teach a terminal according to claim 14, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of data representative of a provisioning protocol in order to exchange said configuration data with said device in accordance with said protocol (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50) of Barrett.

**Regarding claim 16**, the combination of Barrett and Byrnes teach a terminal according to claim 15, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of at least certain of its configuration data (Col. 3, lines 1-61) and, on receipt of said configuration data (Col. 3, lines 1-61), to send said device AT commands for modifying certain data (Col. 1, lines 28-63, and Col. 3, lines 1-61). (Note: the memory stored information and/or data such as user profiles

(i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol) all of Barrett.

**Regarding claim 17**, the combination of Barrett and Byrnes teach a terminal according to claim 15, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of at least certain of its configuration data (Col. 3, lines 1-61) and, on receipt of said configuration data (Col. 3, lines 1-61), to send said device AT commands representative of new configuration data to be added to the other configuration data that it contains (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50) of Barrett. (Note: the memory stored information and/or data such as user profiles (i.e., telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol).

**Regarding claim 18**, the combination of Barrett and Byrnes teach a terminal according to claim 15, wherein said provisioning means are adapted to send said device selected AT commands requiring the supply of at least certain of its configuration data (Col. 3, lines 1-61) and, on receipt of said configuration data (Col. 3, lines 1-61), to send said device AT commands for deleting certain of the configuration data that it contains (Col. 1, lines 28-63, and Figure #3, Col. 5, lines 12-50) all of Barrett. (Note: the memory stored information and/or data such as user profiles (i.g. telephone number, password or user name etc.) are defined by default in order to adapt the services, and executes by WAP protocol).

**Regarding claim 19**, Barrett and Byrnes teach the method according to claim 1 wherein said connection is selected from the group consisting of a cable connection and a radio connection (modems Col. 1, line 27 through Col. 2, line 23) all of Barrett.

**Regarding claim 22**, Barrett and Byrnes teach the method according to claim 1, wherein the terminal comprises a human interface [0001-0006, 0012-0021] of Byrnes.

**Regarding claim 23**, Barrett and Byrnes teach the method according to claim 1, wherein the configuration data configures an application module of the device to connect to a network infrastructure [0001-0006, 0012-0021] of Byrnes.

**Regarding claim 24**, Barrett and Byrnes teach the method according to claim 1, wherein the terminal is different from an element of the network infrastructure [0001-0006, 0012-0021] of Byrnes.

**Regarding claim 25**, Barrett and Byrnes teach the method according to claim 1, wherein the exchanging service configuration data between the terminal [0001-0006, 0012-0021] and the device by means of selected AT commands comprises the terminal sending the device AT commands for at least one of reading [0001-0006, 0012-0021], modifying, deleting and adding to a profile stored in a memory in the device [0001-0006, 0012-0021] all of Byrnes.

**Regarding claim 26**, Barrett and Byrnes teach the method according to claim 1, wherein the exchanging service configuration data between the terminal [0001-0006, 0012-0021] and the device by means of selected AT commands comprises the terminal receiving at least one of configuration data defining new profiles for the device **or**

updating profiles already stored in the terminal for the device [0001-0006, 0012-0021]  
all of Byrnes.

5. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett and Byrnes, and further in view of Chandra (US 2002/0138582).

**Regarding claims 4 and 11**, the combination of Barrett and Byrnes teach a method according to claim 3, wherein said application means are selected from the group comprising browser means (Col. 5, lines 11-29), onboard Java application means (Col. 4, lines 14-31).

**But Barrett does not clearly teach** onboard Multi Media Messaging application means.

However, Chandra specifically teaches onboard Multi Media Messaging application means [0020-0024, 0037].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrett and Byrnes, with Chandra's system, in order to provide the certain collaborative computing applications that improves to support the streaming data such as video, music and data, and further provide the mobile device with the capability collaboration among groups of individuals, within corporations, among customers, partners, and suppliers, and among distributed computer systems etc.

6. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett and Byrnes, and further in view of Rouse (US 2005/0159136).

**Regarding claim 20**, the combination of Barrett and Byrnes teach a method according to claim 19, **but Barrett does not teach** wherein said radio connection is selected from the group consisting of an infrared connection and a "Bluetooth" connection.

However, Rouse teaches wherein said radio connection is selected from the group consisting of an infrared connection and a "Bluetooth" connection [0043, 0119].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrett and Byrnes, with Rouse' system, in order to customize to the field of short range wireless device access and to a system and/or method for enabling user to send and receive messages over the short range wireless network.

**Regarding claim 21**, Barrett and Byrnes teach the use of a method according to claim 1 to configure application means operating in accordance with **but Barrett does not clearly teach** a protocol selected from the WAP, HTTP, IP, GPRS, and CSD protocols.

However, Rouse teaches the method and system of the present invention may be implemented through various communication environments, such as a Wireless Application Protocol [0043], Bluetooth protocol, Global System Mobile protocol, Wireless Markup Language protocol and other wireless communication protocols [0119]. Bluetooth wireless communications technology provides the ability to exchange

data and voice between communication devices. Bluetooth may include a radio-based standard for small personal devices to automatically connect and exchange information for personal wireless applications. Bluetooth may further include a short-range networking protocol for connecting different types of devices, such as mobile phone desktop or notebook computers [0119]. Bluetooth may enable access to the Internet via a phone's mobile data system and linking the user's voice to a computer. Devices that are Bluetooth enabled may communicate by wireless signals within a defined range where a line-of-sight connection is not needed. For example, Bluetooth technology may transfer an email from a user's cell phone to a PC for easier reading and reply [0119].

Noted: CSD protocol is one of protocol such as a Wireless Application Protocol [0043].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barrett and Byrnes, with Rouse's system, in order to customize to the field of wireless device access such as online services and to a system and/or method for enabling user to send and receive messages over the wireless network environments such as downloading services to a mobile devices etc.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL T. VU whose telephone number is (571)272-8131. The examiner can normally be reached on 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles N. Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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